

MINUTES
Crested Butte Town Council
Regular Council Meeting
March 5, 2012
Council Chambers, Crested Butte Town Hall

Mayor Aaron Huckstep called the meeting to order at 7:02 p.m. Councilmembers present: Glenn Michel, Roland Mason, David Owen and Jim Schmidt. Councilmembers absent: Shaun Matusiewicz and John Wirsing. Staff Present: Town Attorney John Belkin, Deputy Town Clerk Carmen Bell, Building and Zoning Director Bob Gillie sitting in for the Town Manager, Finance Director Lois Rozman (for part of the meeting), Town Planner John Hess (for part of the meeting) and Town Clerk Eileen Hughes (for part of the meeting).

APPROVAL OF AGENDA

Mayor Huckstep explained that Ordinance No. 19, Series 2011 was pulled from the agenda due to continuing work on the associated guidelines and new comments from consulting attorney Barb Green that were received late last week. Mayor Huckstep also noted a request for a letter of support to Great Outdoors Colorado regarding an application by Gunnison Ranchland Conservation Legacy for a conservation easement on the Lacy property.

Schmidt moved and Mason seconded to remove item A under "Old Business" and add approval of a letter of support to Great Outdoors Colorado regarding an application by Gunnison Ranchland Conservation Legacy for a conservation easement on the Lacy property under "Other Business." A roll call vote was taken with all voting "Yes." **Motion approved unanimously.**

CONSENT AGENDA

A) Approval of Minutes of February 21, 2012 Council Meeting.

Michel moved and Mason seconded to approve the consent agenda. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

PUBLIC COMMENTS

Mt. Crested Butte resident Shaun Mast stated that he would prefer that the Town's current outdoor vending regulations not be amended. Mast explained that he has been trying for the past several years to fit into the current regulations and asked the Council to consider individuals who are attempting to fit into the current law.

STAFF UPDATES

John Hess

- Explained the Ordinance No. 19, Series 2011 was pulled from the agenda because the associated administrative procedures are not ready and need to come before the Council at the same time as the Ordinance. Hess said that it should all be ready for the March 19 meeting.
- Anthony Poconi is requesting that one or two Councilmembers attend the 5:30 p.m. March 28 stakeholders meeting of the Slate River Subcommittee of the Coal Creek Watershed Coalition. At the meeting they will be describing what a watershed plan is and talking about Redwell Basin, which is a tributary to Oh Be Joyful Creek. Council nominated councilmembers Wirsing and Matusiewicz to attend.

- He received a request late last week from Gunnison Ranchland Conservation Legacy for a letter of support to Great Outdoors Colorado regarding the proposed Lacy conservation easement. Hess noted that a part of the Area Plan is to preserve views adjacent to roads and this conservation easement would do that. The Council did not have any questions for Hess regarding this matter and noted that they would be considering the draft letter under "Other Business" later in the meeting.

Bob Gillie

- Received a submittal from Sixth Street Station last Friday. The Board of Zoning and Architectural Review will run two special meetings for public hearings to review this project on May 15 and May 17, 2012.

Lois Rozman

- Council asked a few questions regarding the sales tax report in the Council packets. Rozman reported that for January the numbers were down in lodging and flat for bars/restaurants, but that some short term rentals only report quarterly so those lodging numbers may change after the first quarter.

PUBLIC HEARING

- A) Ordinance No. 2, Series 2012 – Ordinance No. 2, Series 2012-An Ordinance Authorizing The Sale Of Town-Owned Property Legally Described As Unit 6, Red Lady Estates Condominiums, Town Of Crested Butte, County of Gunnison, State of Colorado For The Sale Price Of \$23,000.00.

Mayor Huckstep confirmed with Deputy Town Clerk that proper public notice of the public hearing was given. Mayor Huckstep open the public hearing. There were no public comments. Mayor Huckstep closed the public hearing.

Town Attorney John Belkin suggested the addition of "Town Manager" to Section 1.

Schmidt moved and Owen seconded to approve Ordinance No. 2, Series 2012 with said amendment as suggested by the Town Attorney. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

NEW BUSINESS

- A) Consideration of 2012 Office for Resource Efficiency Cooperative Agreement with the Town of Crested Butte.

Mayor Huckstep noted that the Council just had a one hour worksession with the Office for Resource Efficiency (ORE) prior to the regular meeting. Mayor Huckstep suggested the following changes to the Service Agreement:

- Section 1, line 3: Before "ORE will participate," add "Upon direction from or at the request of the Town,"
- Section III, 4th bullet, 2nd sentence: "The" should be "This."
- Section V, 3rd sentence: Use the term "voting members" rather than "Directors."

Schmidt moved and Michel seconded to approve the Office for Resource Efficiency Service Agreement with the changes as suggested by the Mayor. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

B) Crested Butte/Mt. Crested Butte Chamber of Commerce Update.

Mt. Crested Butte Councilmember and Crested Butte/Mt. Crested Butte Chamber of Commerce (Chamber) Board representative David Clayton was present for discussion. Clayton reviewed his handout titled "Crested Butte/Mt. Crested Butte Chamber of Commerce: Status and Plan" in detail. Clayton noted that it is a benefit for both the Chamber and the Towns to have the Chamber operate the Visitors Center and that Chamber members feel that it is a benefit to their membership that the Chamber operates the Visitors Center. Clayton noted that a financial audit has been conducted and the results were clean.

Mayor Huckstep explained that the Council needed to decide if they want the Chamber to move forward with running the Visitors Center and events. Mayor Huckstep questioned the legality of the Visitors Center using the Business and Occupational Licensing Tax (BOLT) funds to pay down their promissory note when these funds are specifically earmarked for marketing and events. Mayor Huckstep noted that the BOLT has been used as a short-term bridge loan for the Chamber in the past.

Council asked Clayton various questions, including: how the Chamber could pull off the major upcoming summer events such as July 4th and Bike Week, how the Chamber intends to address the building maintenance clause in their lease, an update on overall membership trends, how the Chamber plans to provide the same level of service with one less full-time employee as proposed and an explanation of alternatives other than BOLT funds to pay down their promissory note. One Councilmember noted a concern that if a business is a Chamber member they get preferential treatment from the Visitors Center and that this is not fair as the Visitors Center is funded by the BOLT and all businesses pay. Council asked Clayton if the Chamber has confidence that it can operate both the Visitors Center and events for the Town, and Clayton relayed that there is a consensus from the Chamber Board that they can continue with these services.

Council discussed the issue at length and decided to pursue renewing a service agreement with the Chamber of Commerce. Council directed staff to e-mail the 2011 Service Agreement for their review and comment to staff about changes needed for the 2012 Service Agreement.

Council took a 5 minute break.

Council requested consideration of New Business Item D prior to New Business Item C.

D) Staff Follow Up on Donation of Freestanding Clock.

Mayor Huckstep reviewed that if the Council agrees with the stipulations in Building and Zoning Director Bob Gillie's memo to Council dated February 27, 2012 then the Council just needs to make a motion to go forward. One Councilmember expressed that a two-sided clock is more appropriate for the character of historic Crested Butte than a four-sided clock and that the clock should be as minimally ornate as possible. Gillie explained that until the snow melts and the frost line thaws the exact placement of the clock cannot be determined. The Council decided to accept the clock and work out the specific details at a later date.

Schmidt moved and Mason seconded to accept the gift of the Verdin clock and allocate up to \$1,500 from the Venture Fund to place the clock. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

- C) Ordinance No. 3, Series 2012- An Ordinance Amending Chapter 6, Article 4 Of The Crested Butte Municipal Code To Include Regulations For The Licensure Of Late Night Food Trucks In The B-1 District.

A Councilmember inquired how staff came up with the suggested fee and Building and Zoning Director Bob Gillie responded that the fee is similar to a business fee and it was looked at in relation to how it equates to the restaurant sidewalk seating fee. A Councilmember expressed concern that vending truck customers could interfere with traffic and pedestrians and Gillie suggested inserting a clause to address this issue.

Town Attorney John Belkin reviewed several non-substantial changes to the ordinance. Mayor Huckstep noted that he received correspondence from two different individuals who requested that their names be removed from the Mt. Oven's petition that was presented to Council at the February 21, 2012 meeting.

Mayor Huckstep opened the public comment period. Mt. Crested Butte resident Shawn Mast stated the following concerns with the proposed changes: he was told by Town staff years ago that a food truck was not allowable so he has been working on changing his business plan to comply with the existing regulations, potential conflicts with the no parking regulations on Elk Avenue and concern with allowing the food truck being able to frequent Town athletic fields.

Crested Butte resident Dutch Spahn, General Manager of the Forest Queen Restaurant, in charge of food for Kochevar's and representing the owners of the Forest Queen Building, said that there is hardly enough business for existing establishments and it does not seem fair to allow a food truck to be able to vend in front of their locations. Spahn noted that when the Mt. Oven petition was presented at the Forest Queen Restaurant a signature was given by an individual who did not have the authority. Spahn noted that he is not against vending, but that there is already a allowable location at the 6th Street and Elk Avenue Traditional Farmer's Market location.

Crested Butte resident Jonathan Brown explained that he presented the Mt. Oven petition at the Forest Queen Restaurant and asked for the owner and the woman he spoke with said she was married to the owner and could sign. Brown apologized if there was an error made in obtaining that signature.

Crested Butte resident and co-owner of the Brick Oven Pizzeria, Dan Loftus, asked the Council to consider that every dollar that is spent on vending leads to vacancies on Elk Avenue. Loftus noted that the previous Council talked a lot about "revitalizing Elk Avenue" and questioned how allowing vending in front of existing businesses is fair. Loftus stated that it is offensive to allow a vending truck with such nominal fees when you consider the extensive fees that the bricks and mortar businesses have to pay for parking-in-lieu and affordable housing. Loftus said that anywhere but the B-1 District should be considered for a late-night food truck because the B-1 District is for existing brick and mortar businesses.

Crested Butte resident Jamie Sibulkin relayed that she spoke with a restaurant owner who is concerned about a potential increase in vandalism with the allowance of a late night food truck and asked the Council if the Town really wants people loitering on the street after the bars are closed.

Crested Butte resident and Mt. Oven representative Chris Sullivan noted that vending from the Traditional Farmers Market location at the 4-Way stop is not a viable business model and stated that Mt. Oven is not trying to circumvent any fees. Sullivan reviewed that Mt. Oven does have a bricks and mortar business and pays rent for an Elk Avenue location. Sullivan relayed that Mt. Oven is attempting to provide a diversity of business with late night food truck vending and that this has the potential to contribute to the revitalization of Elk Avenue.

Crested Butte resident and co-owner of the Brick Oven Pizzeria, Brian Schneider, stated that in general the outdoor vending code needs to be scrutinized. Schneider noted that he is not anti-cart, but that it needs to be a level playing field and suggested that the Council reconsider the fee to make it more reasonable.

Mayor Huckstep closed the public comment period.

One Councilmember noted that when the Council received the Mt. Oven petition he was surprised by how many businesses were in support of a late night food truck. This Councilmember stated that he does not want to see the regulations creep into times when existing restaurants are open, but that the proposal would be filling a niche. Another Councilmember expressed that he just doesn't know which direction the Council should go on this issue. Another Councilmember noted that competition is not a bad thing and that brick and mortar business have certain advantages over an outdoor food truck vending situation. This Councilmember stated that allowing an outdoor late night food truck is a way to create more opportunities for people to make a living and will add variety. Another Councilmember agreed that there is a niche for a late night food truck, but suggested that the allowable times be between 10:30 p.m. and 2:30 p.m.

The Council directed staff to rethink the proposed fee and the relationship between the proposed fee and the fees that brick and mortar business pay.

Owen moved and Mason seconded to set Ordinance No. 3, Series 2012 for public hearing on March 19, 2012.

LEGAL MATTERS

John Belkin:

- Received a call from a real estate broker for a buyer and Fannie Mae does not want to pay the real estate transfer tax. Belkin's position remains that these entities are not governmental. Noted that he has given a form letter to the Finance Department to give to Fannie Mae and Freddie Mac if needed.

COUNCIL REPORTS AND COMMITTEE UPDATES

Roland Mason

- Attended a Rural Transportation Authority (RTA) meeting and retreat. Reported that the RTA is trying to figure out a plan for the airlines, but that the airlines are not really willing to negotiate. The RTA has decided to reduce the number of Houston flights in January and take that money and talk to United Airlines about getting an additional flight out of Denver. The

Council discussed the airline issue at length. Mason relayed that there will be a time when the Town will need to talk about alternate funding for the airline issue.

- Reported that Crested Butte Mountain Resort has laid off several employees and is instituting a two-week unpaid furlough in April.

David Owen

- Attended his first Region 10 Board meeting. They presented the audited financial statements and bylaw edits.

Glenn Michel

- Attended the Rocky Mountain Land Use Institute Conference. Crested Butte is doing really good work with the resources that we have.

Aaron Huckstep


- Attended the Crested Butte/Mt. Crested Butte Chamber of Commerce Board Meeting.
- Attended the Rural Transportation Authority meeting Roland Mason mentioned.
- Attended the Move the Butte dance performance.
- The USA Pro-Cycling Challenge LLC is working with Gunnison's LLC to coordinate marketing.
- Met with consultant Brian Krill to follow-up on the Council retreat.
- Attended the Board of County Commissioners (BOCC) Housing Authority meeting last Tuesday. Representatives from Mt. Crested Butte, Crested Butte and Gunnison were in attendance. The Housing Authority Director has moved and the BOCC is asking the municipalities what their relationship with the Housing Authority should be and if the municipalities are going to continue funding. The Town Managers will meet with County Manager Matthew Birnie to discuss these issues.
- Will be attending the Colorado Association of Ski Towns legislative session next Wednesday.
- Ralph Walton made it onto the ballot for the ski hall of fame.
- Met with the mayor of Silverton last week while in Silverton.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

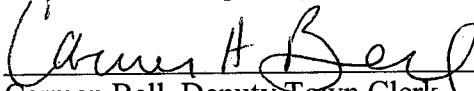
- A) Approval of a Letter of Support to Great Outdoors Colorado Regarding an Application by Gunnison Ranchland Conservation Legacy for a Conservation Easement on the Lacy Property

Schmidt moved and Owen seconded to approve a letter of support to Great Outdoors Colorado regarding an application by Gunnison Ranchland Conservation Legacy for a conservation easement on the Lacy property with changes as suggested by the Town Attorney. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Mayor Huckstep adjourned the meeting at 10:58 p.m.



Aaron J. Huckstep, Mayor



Carmen Bell, Deputy Town Clerk

